



7030301.1900
PATENT

350

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John H. VRZALIK

Serial No.: 08/767,291

Filed: December 16, 1997

Title: BARIATRIC BED APPARATUS AND RELATED METHODS

CONTINUED PROSECUTION APPLICATION

**Box DAC
Assistant Comm'r for Patents
Washington, D.C. 20231**

Sir:

Applicant respectfully requests continuation of the above-captioned application under the Continued Prosecution Application (CPA) procedure of 37 C.F.R. § 1.53(d).

09/02/1993 ABIBRAHIM 00000034 500489 08767291

92-FC-131 790.0

CERTIFICATE OF FIRST CLASS MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper or fee is being deposited with the United States Postal Service, under 37 C.F.R. § 1.8, as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on September 15, 1998.

09/15/98

Date:

Signature of Person Mailing

Wayne J. Colton

Printed Name of Person Mailing

APPLICATION

The inventorship in the new application is the same as in the prior, above-captioned application and all claims of the new application are drawn only to subject matter disclosed and claimed in the prior application; therefore, no new declaration or oath is required. Please use all of the contents of the prior application's file wrapper, including the drawings and amendments and all affidavits and/or declarations, information disclosure statements, terminal disclaimers, petitions to correct inventorship, priority claims, deposit account authorizations, elections and/or ownership submissions, as the basic papers for the new application. The prior application is hereby expressly abandoned as of the filing date of this new application.

REQUISITE FEE

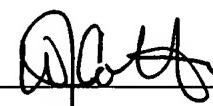
- A check in the amount of \$ *** is enclosed herewith.
- Please charge Deposit Account No. 50-0489 in the amount of \$ 790.00. **A COPY OF THIS LETTER IS ATTACHED.**
- The Commissioner has been authorized to charge the requisite fee of \$ *** to Deposit Account No. 50-0489.

GENERAL AUTHORIZATION TO CHARGE FEES: The Commissioner is hereby authorized to charge any additional fee as may be required under 37 C.F.R. §§ 1.16 and/or 1.17 at any time during the prosecution of the above referenced application, or credit any overpayment, to Deposit Account No. 50-0489, without further or more specific authorization.

Respectfully submitted,

Dated: 09/15/98

WAYNE J. COLTON, INC.
P.O. Box 461209
San Antonio, Texas 78246-1209
Telephone: 210 495 3975
Telecopier: 210 495 3981


Wayne J. Colton
Agent for Applicant
Registration No. 40,962



WAYNE J. COLTON, INC.

Patent Prosecution ~ United States Patent and Trademark Office
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San Antonio, Texas 78246-1209

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Tel: (210) 495-3975
Fax: (210) 495-3981

September 15, 1998

PATENTS

Box Missing Parts
Assistant Comm'r for Patents
Washington, D.C. 20231

RE: Serial Number 08/904,121
 Filing Date July 31, 1997
 Invention Title BARIATRIC BED APPARATUS AND RELATED
 METHODS
Inventor(s) John H. VRZALIK

Docket Number 7030301.1900

Dear Sir:

Enclosed herewith for filing in the above referenced matter, please find the following:

1. Copy of Notice of Improper FWC Filing;
2. Reply;
3. Change of Correspondence Address and Docket Number; and
4. Addressed postcard to be returned upon receipt.

CERTIFICATE OF FIRST CLASS MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper or fee is being deposited with the United States Postal Service, under 37 C.F.R. § 1.8, as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on September 15, 1998.

09/15/98
Date:

WJColton
Signature of Person Mailing

Wayne J. Colton
Printed Name of Person Mailing

WAYNE J. COLTON, INC.

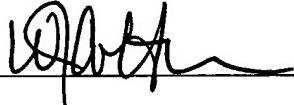
- [] No fee is required with this filing.
- Please charge Deposit Account No. 50-0489 in the amount of \$ 130.00. **A COPY OF THIS LETTER IS ATTACHED.**
- [] A check in the amount of \$ *** is enclosed herewith.

GENERAL AUTHORIZATION TO CHARGE FEES: The Commissioner is hereby authorized to charge any additional fee as may be required under 37 C.F.R. §§ 1.16 and/or 1.17 at any time during the prosecution of the above referenced application, or credit any overpayment, to Deposit Account No. 50-0489, without further or more specific authorization.

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO/TITLE
08/904,121	07/31/97 VRZALIK		295

0262/0715

NOT ASSIGNED

CHARLES W HANOR
AKIN GUMP STRAUSS HAUER & FELD
300 CONVENT STREET SUITE 1500
SAN ANTONIO TX 78205

3508

07/15/98

NOTICE OF IMPROPER FWC FILING UNDER 37 CFR 1.62

No Filing Date Granted

The above-identified application was deposited under 37 CFR 1.62 as a file wrapper continuing application, but is improper and has not been granted a filing date for reasons shown below:

The filing date will be the date of receipt of the items required below unless otherwise indicated, provided the items are filed before the payment of the issue fee, abandonment of, or termination of proceedings on the prior application. Any assertions that the items required below were submitted or are not necessary for a filing date must be by way of petition directed to the attention of the Office of Assistant Commissioner for Patents. Any such petition must be accompanied by the \$130.00 petition fee (*37 CFR 1.17(i)*). If the petition alleges that no defect exists, a request for refund of the petition fee may be included in the petition.

All of the below-noted omissions and/or any petition must be submitted within TWO MONTHS of the date of this notice (*37 CFR 1.181(f)*) or the application may be returned or otherwise disposed of and the filing fee, if submitted, will be refunded less the \$130.00 handling fee (*37 CFR 1.21(n)*). THIS TIME LIMIT MAY NOT BE EXTENDED PURSUANT TO *37 CFR 1.136*.

- 1. The application does not include the correct application number, or serial number and filing date, of the prior application.
 - 2. The application, which is not a continuation-in-part, was not filed by the same or less than all the inventors named in the prior application and no petition for correction of inventorship was filed.
 - 3. The application does not identify the names of all the inventors (37 CFR 1.41 (a)). The application uses "et al" but only one inventor was named in the prior application.
 - 4 The request does not include a signature of the inventor(s), assignee of the entire interest, or registered attorney or agent.
 - 5. The application was not filed before the payment of the issue fee, abandonment of, or termination of proceedings on the prior application:
 - a) The issue fee was paid on _____ 7-30-97.
 - b) The prior application was abandoned, or proceedings terminated on _____ under 37 CFR 1.62.
 - c) The prior application was abandoned by the filing of application number on _____ on _____ under 37 CFR 1.62.

6. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

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*A copy of this notice **MUST** be returned with the response.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202



WAYNE J. COLTON, INC.

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San Antonio, Texas 78246-1209

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September 15, 1998

PATENTS

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Assistant Comm'r for Patents
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RE: Serial Number 08/767,291
Filing Date December 16, 1996
Invention Title BARIATRIC BED APPARATUS AND RELATED
METHODS
Inventor(s) John H. VRZALIK
Docket Number 7030301.1900

RECEIVED
SEP 23 1998
CPTO
ONS

Dear Sir:

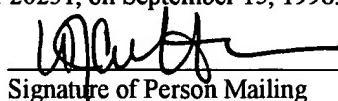
Enclosed herewith for filing in the above referenced matter, please find the following:

1. Renewed Petition for Revival of Unintentionally Abandoned Application;
2. Continued Prosecution Application (with copy thereof);
3. Change of Correspondence Address and Docket Number; and
4. Addressed postcard to be returned upon receipt.

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09/15/98
Date:


Signature of Person Mailing

Wayne J. Colton
Printed Name of Person Mailing

CPATO 6AU - 3508

WAYNE J. COLTON, INC.

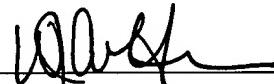
- No fee is required with this filing.
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